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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,160	07/14/2005	Ruedi Hess	009765-058	2906

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

THOMAS, ALEXANDER S

ART UNIT	PAPER NUMBER
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1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/542,160

Applicant(s)

HESS, RUEDI

Examiner

Alexander Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 1 of the specification must begin with the title of the invention and then include the related documents. Also, the reference to claim 1 on page 2, line 2 and page 4, line 6 should be removed because the claim may eventually be canceled.

Appropriate correction is required.

Claim Objections

2. Claims 7-10 are objected to because of the following informalities: there is no clear antecedent basis for the term "it" in line 1 of each claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 2, 5, 6 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 2 and 5, the phrase "-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim(s) unascertainable. Concerning claim 13 it appears that the term "it" should be reinserted into line 2 for grammatical reasons. Claim 6 is grammatically incomplete.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 and 10-16 are rejected under 35 U.S.C. 103(a) as unpatentable over Whittaker ('464). The reference discloses a tensioning element for securing loads comprising an elastic strap 10 including a grid of openings formed from side elements 16 and transverse elements 18, wherein the transverse elements may have an elasticity that is different than the side elements and the openings are designed to accommodate a fastener or the looping through of another tensioning element; see column 4, lines 32-42. It would have been obvious to one of ordinary skill in the art to have the bridge elements be less elastic than side elements in view of the disclosure in the reference at column 4, lines 39-42 in order to provide the desired structural integrity for a particular end use. Concerning claim 5, the reference discloses a hook attached to the tensioning means; see column 4, lines 10-15. The specific process used to make such an attachment is not seen to add any patentably significant features to the claimed product. Concerning claims 10 and 11, see figure 10 in the reference and the disclosure at column 6, lines 23-28. It would have been obvious to one of ordinary skill in the art to use any amount of straps and to weave them together in any configuration as

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suggested in the reference in order to accommodate a specific load. With respect to claim 16, it is well-known in any art to provide a flexible material in roll form as a means of storing or providing a material in compact form. It would have been obvious to one of ordinary skill in the art to provide the product of the reference in roll form in order to store a large quantity of material in a compact form.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittaker ('464) as applied to claims 1-6 and 10-16 above, and further in view of either Hartman ('875) or Bergdoll 6,722,709. The secondary references each disclose that various materials can be used to form elastic straps; see for example column 5, lines 13-19 of Bergdoll. It would have been obvious to one of ordinary skill in the art to use any well-known material, such as metal, rubber, etc, to form the strapping material in the primary reference in view of the teachings in the secondary references to provide a tensioning means with the desired structural properties for a particular end use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Alexander S. Thomas". The signature is fluid and cursive, with the first name "Alexander" written in a larger, more prominent script than the last name "Thomas".

ALEXANDER S. THOMAS
PRIMARY EXAMINER